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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/708,584	SMITH, DEBRA
Office Action Summary	Examiner	Art Unit	
	KEVIN POE	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>01 December 2008</u>.

2a) ☐ This action is **FINAL**.　　2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-48</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-48</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　　1. ☐ Certified copies of the priority documents have been received.

　　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)　Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to applicant's communication of December 8,

2008. Claims 1-48 are pending and have been examined. The rejections are stated

below.

2.   In view of the Appellant's brief filed on 12/9/08 PROSECUTION IS HEREBY

REOPENED. A new ground of rejection is set forth below.

   To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1)   file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

        If reinstatement of the appeal is requested, such request must be accompanied

by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130,

1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Response to Arguments

3.   Applicant's arguments with respect to claims 1-48 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

5.   **Claims 1-48** are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non statutory subject matter.

6.   The preamble of claim 1 suggests that it is drawn to a system. As noted supra a

proper system claim is defined by its discrete physical structures. The preamble of claim

1 recites, "A system for consolidating financial transaction information from multiple

sources for presentation to a user, the system comprising." The body of the claim only

recites software and modules that may be used for consolidating financial transaction

information from multiple sources for presentation to a user. Claim 1 is not a proper

system claim because it does not recite structural components and it does not recite

structural components working together to operate the system. Claim 1 is defined purely

as software and software per se is not statutory subject matter. Software is not one of

the four enumerated statutory categories. Dependent claims 2-20 are dependent on

claim 1 and are rejected under 35 U.S.C. 101 as well.

7.   Claims 21-35 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to nonstatutory subject matter. Based on Supreme Court precedent, a

method/process claim must (1) be tied to another statutory class of invention (such as a

particular apparatus) (see at least Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker

v. Flook, 437 U.S. 584,588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972);

Cochrane v. Deener, 94 U.S. 780, 787-88 (1876)) or (2) transform underlying subject

matter (such as an article or materials) to a different state or thing (see at least

Gottschalk v. Benson, 409 U.S. 63, 71 (1972)). A method/process claim that fails to

meet one of the above requirements is not in compliance with the statutory

requirements of 35 U.S.C. 101 for patent eligible subject matter. Here claims 21-35 fail

to meet the above requirements because the claims fail to tie in another statutory class

of invention.

8.   The preamble of claim 36 suggests that it is drawn to a computer-implemented

system. As noted supra a proper system claim is defined by its discrete physical

structures. The preamble of claim 36 recites, "A computer-implemented system for

consolidating and presenting financial information to a user comprising." The body of

the claim only recites software and modules that may be used for consolidating and

presenting financial information to a user. Claim 36 is not a proper system claim

because it does not recite structural components and it does not recite structural

components working together to operate the system. Claim 36 is defined purely as

software and software per se is not statutory subject matter. Software is not one of the

four enumerated statutory categories. Dependent claims 37-48 are dependent on claim

36 and are rejected under 35 U.S.C. 101 as well.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10.   **Claims 1-2, 4-9, 18-22, 24, 28-31, 33-37, 39, 43-46, and 48** are rejected under

35 U.S.C. 102(e) as being anticipated by **Cohen [US Pub. No. 2003/0097331 A1].**

11.   Regarding **claim 1**, Cohen discloses a system for consolidating financial

transaction information from multiple sources for presentation to a user, the system

comprising: a file importer for importing data files from a first source and processing

each data file to create parsed information for each transaction present in the data file

and represent any additional information present in the data file in Extensible Markup

Language (XML) format (0090, 0277, 0279); a data consolidator for receiving parsed

information from the file importer, consolidating said parsed information with transaction

information from a user-accessible system to create consolidated transaction records,

assigning a unique identifier to each consolidated transaction record for an account, and

storing said consolidated transaction records, wherein consolidating said parsed

information includes removing transaction information derived from the user accessible

system that is duplicated in said parsed information from the data files (0277-0279); and

a reporting module for receiving a request for financial transaction information for a

particular account and presenting consolidated transaction records for the particular

account to the user in response to the request, wherein the user may navigate through

said consolidated transaction records based upon said unique identifier (0279).

12.   Regarding **claim 2**, Cohen discloses wherein said file importer includes at least

one file adapter for extracting data from a particular type of data file (0277).

13.   Regarding **claim 4**, Cohen discloses wherein said file importer is user extensible

to extract data from additional types of data files (0277).

14.   Regarding **claim 5,** Cohen discloses said file importer is invoked at periodic

intervals to process data files received from said first source (0277-0278).

15.   Regarding **claim 6**, Cohen discloses said first source is an external source

(0277).

16.   Regarding **claim 7**, Cohen discloses said external source is a financial institution

(0005).

17.   Regarding **claim 8**, Cohen discloses wherein said data consolidator creates

consolidated transactions records based on transaction information in the user

accessible system that is more recent than information from the data files received from

the first source (0277-0279).

18.   Regarding **claim 9**, Cohen discloses said XML representation is stored by the

data consolidator for retrieval in response to a user request for financial transaction

information (0277).

19.   Regarding **claim 18**, Cohen discloses the reporting module presents at least one

page containing said consolidated transaction records in a user interface (0278).

20.   Regarding **claim 19,** Cohen discloses wherein a user may select a particular

page of said consolidated transaction records for viewing in the user interface (0278).

21.   Regarding **claim 20**, Cohen discloses wherein the reporting module retrieves

consolidated transaction records matching criteria specified by the user in the request

for financial transaction information (0277-0279).

22.   Regarding **claim 21**, this claim is a method claim that implements the system

recited in claim 1. Cohen teaches implementation of the system of claims 1 using a

method as claimed (Abstract, claims 24-37).

23.   Regarding **claim 22**, Cohen discloses wherein the importing step occurs at periodic intervals (0276).

24.   Regarding **claim 24**, Cohen discloses the file adapter is implemented as a pluggable architecture for supporting a particular file type (0277).

25.   Regarding **claim 28**, Cohen discloses wherein each imported data file is received from an external source (0277).

26.   Regarding **claim 29**, Cohen discloses the external source is a banking institution (0005).

27.   Regarding **claim 30**, Cohen discloses wherein the consolidation repository stores financial information in database tables (0277).

28.   Regarding **claim 31**, Cohen discloses wherein the determining step includes consolidating financial information from the user-accessible system with financial information from the consolidation repository (0277).

29.   Regarding **claim 33**, Cohen discloses for any new financial information in the user-accessible system that is not already present in the consolidation repository,

creating new parsed information from the new financial information that identifies each

transaction present with a unique sequence number (0090, 0276-0279) and that

represents any additional information present in the data file in XML format (0090, 0276-

0279).

Cohen discloses updating the consolidated financial information in the

consolidation repository to include the new parsed information (0090, 0276-0279).

30.   Regarding **claim 34,** Cohen discloses a computer-readable medium having

processor-executable instructions for performing the method of claim 21 (0023, 0291).

31.   Regarding **claim 35,** Cohen discloses a downloadable set of processor-

executable instructions for performing the method of claim 21 (0377, 0379).

32.   Regarding **claim 36,** this claim recites similar language as to previously rejected

method claim 1 and is rejected on the same grounds.

33.   Regarding **claim 37,** Cohen discloses wherein the file importer operates at

periodic intervals (0276).

34.   Regarding **claim 39,** Cohen discloses the file adapters are implemented as a

pluggable architecture for supporting different file types (0277).

35.   Regarding **claim 43**, Cohen discloses wherein each imported data file is received from an external source (0277).

36.   Regarding **claim 44**, Cohen discloses the external source is a banking institution (0005).

37   Regarding **claim 45**, Cohen discloses wherein the consolidation repository stores financial information in database tables (0277).

38.   Regarding **claim 46**, Cohen discloses wherein the module for determining and presenting consolidates financial information from the user-accessible system with financial information from the consolidation repository (0277).

39.   Regarding **claim 48**, Cohen discloses a module for updating the parsed information with new financial information any new financial information in the user-accessible system that is not already present in the consolidation repository (0276-0279).

Claim Rejections - 35 USC § 103

40.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

41.   Claims **3**, **23**, and **38** are rejected under 35 U.S.C. 103(a) as being unpatentable

over **Cohen [US Pub. No. 2003/0097331 A1]** in view of **Campbell et al. [US Patent**

No. 6,856,970 B1].

42.   Regarding **claim 3**, Cohen does not explicitly disclose said file importer includes

at least one file adapter for extracting data from a particular type of data file. However

Campbell et al. discloses a BAI format mapper (Col. 14 lines 5-7).

        At the time of the invention it would have been obvious to one of ordinary skill in

the art to modify the disclosure of Cohen to include the teachings of Campbell et al. to

obtain invention as specified in claim 3. The rationale to combine the teachings would

be to account for different interpretations of BAI that take place from bank to bank.

43.   Regarding **claim 23**, Cohen does not explicitly disclose wherein the data file's file

type comprises a BAI file type, and wherein the file adapter is suited for processing BAI

files. However Campbell et al. discloses a BAI format mapper (Col. 14 lines 5-7).

        At the time of the invention it would have been obvious to one of ordinary skill in

the art to modify the disclosure of Cohen to include the teachings of Campbell et al. to

obtain invention as specified in claim 23. The rationale to combine the teachings would

be to account for different interpretations of BAI that take place from bank to bank.

44.   Regarding **claim 38**, Cohen does not explicitly disclose wherein one type
comprises a BAI file type, and wherein one of the file adapters is suited for processing
BAI files. However Campbell et al. discloses a BAI format mapper (Col. 14 lines 5-7).

At the time of the invention it would have been obvious to one of ordinary skill in
the art to modify the disclosure of Cohen to include the teachings of Campbell et al. to
obtain invention as specified in claim 38. The rationale to combine the teachings would
be to account for different interpretations of BAI that take place from bank to bank.

45.   Claims **10-12, 25** and **40** are rejected under 35 U.S.C. 103(a) as being
unpatentable over **Cohen [US Pub. No. 2003/0097331 A1]** in view of **Hopkins [US
Pub No. 2005/0172137 A1].**

46.   Regarding **claim 10**, Cohen does not explicitly disclose wherein said unique
identifier assigned to a transaction record comprises a sequence number. However
Hopkins teaches information for financial transactions includes a unique transaction
identifier, a transaction sequence number (TSN), which specifies the particular terminal
and contains a sequence number for each transaction originating at the terminal (0025,
0059). At the time of the invention it would have been obvious to one of ordinary skill in
the art to modify the disclosure of Cohen to include the teachings of Hopkins to obtain
invention specified in claim 10. The rationale to combine the teachings would be to
efficiently recognize duplicate information.

47.   Regarding **claim 11**, Cohen does not explicitly disclose wherein said data

consolidator assigns a sequence number per account and per type of transaction.

However Hopkins teaches wherein said data consolidator assigns a sequence number

per account and per type of transaction (0025, 0059). At the time of the invention it

would have been obvious to one of ordinary skill in the art to modify the disclosure of

Cohen to include the teachings of Hopkins to obtain invention specified in claim 11. The

rationale to combine the teachings would be to efficiently recognize duplicate

information.

48.   Regarding **claim 12**, Cohen does not explicitly disclose wherein said data

consolidator assigns consecutive sequence numbers to transaction records of a given

type for a particular account. However Hopkins teaches wherein said data consolidator

assigns consecutive sequence numbers to transaction records of a given type for a

particular account (0025, 0059). At the time of the invention it would have been obvious

to one of ordinary skill in the art to modify the disclosure of Cohen to include the

teachings of Hopkins to obtain invention specified in claim 12. The rationale to combine

the teachings would be to efficiently recognize duplicate information.

49.   Regarding **claims 25 and 40**, each of these claims recite similar language as to

previously rejected claim 10 and are rejected on the same grounds.

50.　　Claims **13-14, 26** and **41** are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Cohen [US Pub. No. 2003/0097331 A1]** in view of **Hopkins [US**

Pub No. 2005/0172137 A1] and further in view of **Ferlauto et al. [US Patent No.**

6,985,926 B1].

51.　　Regarding **claim 13,** Cohen does not explicitly disclose wherein said data

consolidator assigns date-based sequence numbers to transaction records of a given

type for a particular account. However Ferlauto teaches wherein said data consolidator

assigns date-based sequence numbers to transaction records of a given type for a

particular account (Col. 16 lines 63-67). At the time of the invention it would have been

obvious to one having ordinary skill in the art to modify the disclosure of Cohen to

include the teachings of Ferlauto to obtain invention specified in claim 13. The rationale

to combine the teachings would be to proactively remove duplicate data for a more

relevant consolidation system.

52.　　Regarding **claim 14,** Cohen does not explicitly disclose wherein the data

consolidator is user configurable to assign a unique identifier to transaction records

using a selected one of consecutive sequence numbers and date-based sequence

numbers. However Ferlauto teaches wherein the data consolidator is user configurable

to assign a unique identifier to transaction records using a selected one of consecutive

sequence numbers and date-based sequence numbers. (Col. 16 lines 63-67). At the

time of the invention it would have been obvious to one having ordinary skill in the art to

modify the disclosure of Cohen to include the teachings of Ferlauto to obtain invention

specified in claim 13. The rationale to combine the teachings would be to proactively

remove duplicate data for a more relevant consolidation system.

53.   Regarding **claims 26 and 41**, each of these claims recite similar language as to

previously rejected claim 13 and are rejected on the same grounds.

54.   Claim **15** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Cohen

US Pub. No. 2003/0097331 A1]** in view of **Battat et al. [US Pub No. 2006/0143239].**

55.   Regarding **claim 15**, Cohen does not explicitly disclose the data consolidator

provides for undoing transaction records created from a particular file in response to a

user request to undo a particular file. However Battat the data consolidator provides for

undoing transaction records created from a particular file in response to a user request

to undo a particular file (0230). At the time of the invention it would have been obvious

to one of ordinary skill in the art to modify the disclosure of Cohen to include the

teachings of Battat to obtain invention as specified in claim 15. The rationale to

combine the teachings would be for a user to insure data accuracy of the data.

56.   Claim **16** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Cohen

US Pub. No. 2003/0097331 A1]** in view of **Battat et al. [US Pub No. 2006/0143239]**

and further in view **Smith [US Pub No. 2002/0042795 A1].**

57.   Regarding **claim 16**, Cohen does not explicitly disclose the data consolidator

identifies dependent files having transaction records dependent on transaction records

created from said particular file. However Smith discloses a file reader associated with

the file type of the located file then reads details out of the located file to thus identify

dependent files in the library. These are those files which contain data which is

dependent upon the data in one or other files in the library. [0112]

        At the time of the invention it would have been obvious to one of ordinary skill in

the art to modify the disclosure of Cohen to include the teachings of Smith to obtain

invention as specified in claim 16. The rationale to combine the teachings would be for

data integrity.

58.   Regarding **claim 17**, Cohen discloses wherein said dependent files are

reprocessed by the data consolidator in response to the user request to undo the

particular file (0277-0278).

59.   Claims **27** and **42** are rejected under 35 U.S.C. 103(a) as being unpatentable

over **Cohen [US Pub No. 2003/0097331]** in view of **Schulze et al. [US Pub No.
2006/0041493 A1].**

60.   Regarding **claim 27**, Cohen does not explicitly disclose wherein the user-

accessible system comprises a main back-end database system for a bank. However

Schulze et al. discloses the outsourced third party entity is in direct connection with the mainframe computer of the bank wherein the outsourced third party entity may produce a backup directory of each database file. This database backup is an additional safe guard for the financial institution. [0044]

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the disclosure of Cohen to include the teachings of Schulze et al. to obtain the invention as specified in claim 27. The rationale to combine the teaching would be that the backup would be an emergency information source in case of system failure.

61.   Regarding **claim 42,** it recites similar language as to claim 27 and is rejected on the same grounds.

62.   Claim **32** and **47** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cohen [US Pub No. 2003/0097331]** in view of **Osborne [US Pub No. 2003/0120619 A1].**

63.   Regarding **claim 32,** Cohen does not explicitly disclose any duplicate information already stored in the consolidation repository is ignored. However Osborne discloses the transfer manager component then determines whether the received data are duplicates with the data in the database at. If the data are duplicates, then the transfer

manager component discards the duplicated data at and continues with the processing.

[0058]

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the disclosure of Cohen to include the teachings of Osborne to obtain invention as specified in claim 32. The rationale to combine the teachings would be to not waste database space with duplicate information.

64.   Regarding **claim 47**, it recites similar language as to claim 32 and is rejected on the same grounds.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN POE whose telephone number is (571)272-9789. The examiner can normally be reached on Monday-Friday 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693

ktp